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Health Commissioner's Order #1001

December 7, 2010

**Regulations for Enforcement of the
St. Louis City Smoke Free Act of 2009**

**By Order of the Health Commissioner
City of St. Louis, Department of Health**

The following words and phrases shall be construed as defined in this Section for enforcement of Ordinance 68481 known as St. Louis City Smoke Free Act of 2009:

- I. "Storage area" means an enclosed area not accessible to the public that is utilized for storage of supplies, materials, food, beverages, etc.
- II. "Serving of food is only incidental" means a bar establishment that is devoted to the serving of alcoholic beverages for the consumption by guests on the premises and in which the food sales comprise no more than 25% of the gross revenue during that year as reported to the License Collector and Excise Division, and food sales are not reasonably expected to comprise more than 25% of gross sales going forward.
- III. "Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by permanent or temporary walls or windows (exclusive of doorways), which extend from the floor to the ceiling. Tents that meet the criteria of this definition shall be considered enclosed areas for the purpose of implementation of this ordinance.
- IV. "Bar" as defined in Section 2.1 of ordinance #68481 means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- V. "Bar Certificate of Exemption" means a bar that has an annual Bar Certificate of Exemption that is issued by the Department of Health. All Bar Certificates of Exemption will expire January 1, 2016. No Bar Certificates of Exemption will be granted after January 2, 2016. In order to obtain a Bar Certificate of Exemption the owner or operator of a bar which seeks a Bar Certificate of Exemption shall submit an application provided by the Department of Health that certifies:

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- a) That the bar was in existence on the effective date of January 2, 2011; and
 - b) The food sales comprise no more than 25% of the gross revenue during the previous calendar year as reported to the License Collector and Excise Division, and food sales are not reasonably expected to comprise more than 25% of gross sales going forward. The Commissioner of Health shall suspend or revoke any certificate of exemption issued under this subsection if the owner or operator fails to demonstrate that the drinking establishment derived a maximum of 25% of its gross revenue from the sale of food during that period; and
 - c) That the drinking establishment does not allow entrance to anyone under the age 21; and
 - d) That the square footage of the entire floor area of the level of the building on which the bar establishment is located is two thousand (2000) square feet or less. The square footage shall not include kitchen areas, storage areas, and bathrooms.; and
 - e) The bar shall prominently display outside of the premises at each entrance and above the bar the following sign in lettering that is black bold Arial font at (ninety-eight) 98 point size: "WARNING: SMOKING ALLOWED HERE".
- VI. "Hotel/Motel Certificate of Exemption" means a hotel or motel that has an annual Hotel Certificate of Exemption that is issued by the Department of Health. The owner or operator of a hotel or motel which seeks a Hotel/Motel Certificate of Exemption shall submit an application provided by the Department of Health, certifying:
- a) Not more than twenty percent (20%) of hotel and motel rooms rented to guests and designated as smoking rooms, and
 - b) All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of Ordinance #68481.
- VII. "Retail Tobacco Store Certificate of Exemption" means a retail tobacco store that has an annual Retail Tobacco Store Certificate of Exemption that is issued by the Department of Health. The owner or operator of a tobacco retail store which seeks a Retail Tobacco Store Certificate of Exemption shall submit an application provided by the Department of Health, certifying that the retail tobacco store is used primarily for the sale of smoking materials and where more than fifty percent (50%) of the volume of trade or business carried on is that of blending of tobaccos or sales of tobaccos, cigarettes, pipes, cigars or smoking sundries and in which the sale of other products is incidental and where smoking is permitted within the public place.

As Ordered By:



Melba R. Moore, MS, CPHA
Commissioner of Health
City of St. Louis Department of Health

Date:

12/7/10